

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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M&T Bank



Order Filed on December 20, 2016
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

Marylin Kirkpatrick

Debtor.

Case No.: 13-29261-VFP

Adv. No.:

Hearing Date: 12/01/2016 @ 11:00 a.m.

Judge: Vincent F. Papalia

**ORDER CURING POST-PETITIOIN ARREARS & RESOLVING MOTION FOR
RELIEF FROM STAY**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: December 20, 2016

A handwritten signature in cursive script, reading "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: Marilyn Kirkpatrick

Case No: 13-29261-VFP

Caption of Order: ORDER CURING POST-PETITION ARREARS & RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, M&T Bank, Denise Carlon, Esq. appearing, upon a motion to vacate the automatic stay as to real property located at 870 Apgar Terrace, Rahway, NJ 07065, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Scott Miller, Esq., attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of December 1, 2016 Debtor is in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due September 2016 through December 2016 for a total post-petition default of \$6,461.81, less a suspense balance of \$128.55 (4 @ \$1,647.59); and

It is further **ORDERED, ADJUDGED and DECREED** that Debtor shall make a lump sum payment totaling \$3,295.18 by December 31, 2016; and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$3,166.63 will be paid by Debtor remitting \$527.78 per month in addition to the regular monthly mortgage payment, which additional payments shall begin on January 1, 2017 and continue for a period of six months until the post-petition arrears are cured; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume January 1, 2017, directly to Secured Creditor, M&T Bank, P.O. Box 1288, Buffalo, NY 14240 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtor's Chapter 13 bankruptcy proceeding, if the lump sum payment or any regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtor shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtor, and Debtor's counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$176.00 for filing fees, totaling \$526.00, which is to be paid through Debtors' Chapter 13 plan; and

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Debtor: Marilyn Kirkpatrick

Case No: 13-29261-VFP

Caption of Order: ORDER CURING POST-PETITION ARREARS & RESOLVING MOTION FOR RELIEF FROM STAY

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.